

<b>DISTRICT OFFICE:</b>	Detroit District		October 4, 2005	
<b>FILE NUMBER:</b>	02-145-028-0			
<b>PROJECT REVIEW/DETERMINATION COMPLETED:</b>	<b>In the office (Y/N)</b>	<b>Y</b>	<b>Date:</b>	4 Oct 05
	<b>At the project site (Y/N)</b>	<b>N</b>	<b>Date:</b>	

State:	Indiana
County:	Lake
Center coordinates of site by latitude & longitude coordinates:	lat:41-36-21.1320 lon:87-26-4.7040
Approximate size of site/property (including uplands) in acres	8.8 Acres
Name of waterway or watershed:	isolated wetlands

[illegible]

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?		X			
<sup>1</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.					

**TYPE OF DETERMINATION:**                      **Preliminary      Or Approved X**

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

Our jurisdiction determination in 2002 relied, in part, on a District memo dated 12 July 1999, which has since been rescinded because it has shown to be prone to misinterpretation. The wetlands on the project site are remnant swales from a likewise remnant dune-swale system. This remnant system was formed by ancient shorelines of Lake Michigan and was cut-off from Lake Michigan by water level changes and severe man-induced landscape changes (e.g., steel mill construction, creation of cities such as Hammond and Gary). The Grand Calumet River has also established itself on this landscape *after* the dune-swale systems were created by Lake Michigan and now represents the local watershed's major waterway. Other than in cases where remnant dune-swale systems find themselves in the floodplain of the Grand Calumet River, there is no relationship between the dune-swale wetlands and the Grand Calumet River. The remnant dune-swale complex on the project site, as well as north of the project site, is not adjacent to the Grand Calumet River. In this particular case, the consulting firm Earth-Source determined the wetlands on the site are outside of the floodplain of the Grand Calumet River. There are no ditches or drains that directly connect the wetlands on the site to the Grand Calumet River. As such, the wetlands on the site are not tributaries of the Grand Calumet River or other waters.